

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1645.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CANDY.

On April 9, 1912, the United States Attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Candy Co., a corporation, Milwaukee, Wis., alleging shipment by it, in violation of the Food and Drugs Act, on or about August 17, 1910, from the State of Wisconsin into the State of Colorado, of a consignment of candy which was misbranded. The product was labeled: "Five pounds Senegambian Kids, serial No. 6048, guaranteed under the Food and Drug Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Ash, 0.22 per cent; polarization direct at 23° C., 128.4; polarization invert at 87° C., 58.2; commercial glucose (factor 163), 35.71 per cent; sucrose, Clerget, 66.18 per cent; reducing sugars as invert, 20.20 per cent; resins, probably shellac, 0.71 per cent; carbon, 0.46 per cent. Misbranding was alleged in the information for the reason that the label on the product purported and gave out that it was made from a saccharine substance or substances, with or without the addition of harmless coloring, flavoring, or filling materials, and poisonous colors or flavors, which was false and deceptive in that said product consisted of candy colored with carbon black and coated with an inedible resinous substance called shellac, neither of which substances enters into the composition of and constitutes the normal ingredients of candy. Misbranding was further alleged for the reason that the label or brand bore the statement that the product contained candy, to wit, "Senegambian Kids," guaranteed under the Food and Drugs

Act, June 30, 1906, in such form and display as to give and convey the impression and deceive purchasers into the belief, and lead the purchasing public to believe that the contents thereof was candy and confectionery, which is a food product known to the trade and the purchasing public to be a saccharine substance without the presence of any poisonous, injurious, and deleterious substances, coloring, and flavorings, when in truth and in fact said product contained a candy coated with an inedible resinous substance known as shellac, and in addition was colored with carbon black, and that the presence of neither of said ingredients of the product was stated and set out or referred to on the label.

On May 3, 1912, the defendant corporation entered a plea of guilty and the court imposed a fine of \$25.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 24, 1912.*